

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 26, 1998

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Masterson, J., Dunn, J. (Assigned), and V. Salas,
Deputy Clerk.

B114417 People
 v.
 Andres F.

Merits:

Argued by Sheldon L. Levitin for appellant and by Alan D. Tate, Deputy
Attorney General, for respondent. Cause submitted.

B110418 People
 v.
 Grifini

Merits:

Argued by Ralph J. Novotney, Jr., for appellant and by Thomas Hsieh,
Deputy Attorney General, for respondent. Cause submitted.

B113778 People
 v.
 Quintero

Merits:

Argued by Kyle Marie Wesendorf for appellant and by Corey Robins,
Deputy Attorney General, for respondent. Cause submitted.

DIVISION ONE (Continued)

B106195 People
 v.
 Nicholas

Merits:

Argued by Diane Berley for appellant and by Deborah B. Sturrock, Deputy Attorney General, for respondent. Cause submitted.

B112335 People
 v.
 Young

Merits:

Argued by Russell S. Babcock for appellant and by Audree S. Wong, Deputy Attorney General, for respondent. Cause submitted.

B116058 Hackel
 v.
 California Riviera HOA, et al.

Merits:

Argued by Ronald M. Katzman for appellant and by Mark A. O'Brien for respondents. Cause submitted.

B102375 Wade
 v.
 Wade

Merits:

Argued by Marihelen Wade, in propria persona, for appellant and by Joanna Rehm for respondent. Cause submitted.

DIVISION ONE (Continued)

B087052 People
v.
Escobar et al.

Merits:

Argued by Gary E. Nelson, for appellant Funes, Bruce D. Rosen, for appellant Martinez and by Peggie Bradford, Deputy Attorney General, for respondent. Cause submitted.

Justice Ortega leaves the bench.

B111931 Long Beach Housing Action Assoc.
v.
City of Long Beach et al.

Merits:

Argued by Jonathan Lehrer-Graiwer for appellant and by T. Brent Hawkins for respondents. Cause submitted.

Court adjourned.

DIVISION TWO

B112053 People v. Hernandez (Not for Publication)

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Nott, J.

DIVISION FIVE

[illegible]

The judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Armstrong, J.

[illegible]

The judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

[illegible]

For the reasons set forth above, the judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION FIVE (Continued)

B109602 Nelli (Not for Publication)

V.

The State of California, et al.

The judgment is affirmed. The purported appeal from the order of dismissal as to former California Department of Insurance Commissioner John Garamendi is dismissed. Defendants, the State of California and California Department of Insurance Fraud Bureau Investigators John Benane, Harold T. Huber, and Kendall Dixon, are to recover their costs on appeal from plaintiff, John Nelli.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B102748 Stettner (Not for Publication)

V.

City of Los Angeles, et al.

The judgment is affirmed. Defendants, the City of Los Angeles and the Los Angeles Police Department, shall recover their costs on appeal from plaintiff, Donald H. Stettner.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

May 26, 1998-Continued

DIVISION FIVE (Continued)

[illegible]

The judgment is modified to reflect presentence custody credits totaling 854 days, consisting of 743 days of actual custody credit, and 111 days of conduct credit. As modified, the judgment is modified.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

B112471 People
v.
Timothy O'Connor

Filed order denying petition for rehearing.

DIVISION SIX

B105545 Los Carneros Community Inc.
v.
Penfield & Smith, et al.

Filed order granting petition for rehearing.

B111475 Breault (Not for Publication)
v.
Breault

The judgment is affirmed. Appellant shall bear costs on appeal.

Gilbert, Acting P.J.

We concur: Yegan, J.
Coffee, J.

May 26, 1998-Continued

DIVISION SEVEN

[illegible]

The judgment is affirmed.

Neal, J.

We concur: Johnson, Acting P.J.
 Woods, J.

B109284	People v. Brinkley	(Not for Publication)
B117983	Brinkley on Habeas Corpus	

The judgment is affirmed; petition for writ of habeas corpus denied

Neal, J.

We concur: Lillie, P.J.
Woods, J.

[illegible]

The judgment is affirmed.

Neal, J.

We concur: Johnson, Acting P.J.
 Woods, J.

DIVISION SEVEN (Continued)

B114343 People (Not for Publication)
v.
Robles

The order denying appellant's motion to dismiss a "strike" is vacated, and the case is remanded. The trial court is directed to conduct another hearing on the motion, in accordance with this opinion. If the motion to dismiss a "strike" is granted, the trial court shall resentence and impose such new sentence as is appropriate. If the motion to dismiss a "strike" is denied, then the sentence previously imposed may remain in force.

Neal, J.

We concur: Lillie, P.J.
 Johnson, J.

B112976 People (Not for Publication)
v.
Moreno

The judgment is modified to direct that the term imposed on count 2 is stayed pending service of the term imposed on count 1; the stay to become permanent upon service on count 1. As modified the judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

B109477 People (Certified for Publication)
v.
Thierry

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Neal, J.

DIVISION SEVEN (Continued)

B108392 Chavez (Not for Publication)

V.
County of Los Angeles

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B113964 Lockhart (Not for Publication)

V.
Lucky Stores, Inc.

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

B115532 McClinton (Not for Publication)

V.
Los Angeles County Civil Service Commission

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

May 26, 1998-Continued

DIVISION SEVEN (Continued)

B114123 People (Certified for Publication)

V.

Deon W., a minor

The orders under review are reversed and the cause remanded for a new disposition hearing in conformity with the views expressed herein.

Lillie, P.J.

We concur: Woods, J.

Neal, J.

B112547 Covarrubias (Not for Publication)

V.

Shrader Chemical Company

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.

Neal, J.

B114272 Dunster (Not for Publication)

V.

City of Long Beach

The judgment is affirmed. Respondent to recover costs on appeal.

Lillie, P.J.

We concur: Johnson, J.

Neal, J.

May 26, 1998-Continued

DIVISION SEVEN (Continued)

B112909 Bee Commercial & Business Investments, Inc. (Not for Publication)
 v.
 Berkovics

The judgment is affirmed. Respondent is entitled to costs and reasonable attorney's fees on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.